

### **Remarks/Arguments**

This paper is filed in response to the Office Action mailed on February 5, 2008. Claims 1, 3, 5 and 18 have been amended and claims 9-11 and 26 have been cancelled.

#### **35 U.S.C. §112**

Claims 1 and 5 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

Claim 1 has been amended to clarify recitation of steps of a method. Claim 5 has been amended to remove the term "and/or". Reconsideration and withdrawal of the rejection is respectfully requested.

#### **35 U.S.C. §102**

Claims 1-8 and 18-25 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,428,670 (Gregorek).

Independent claim 1 has been amended to recite a method comprising the steps of "displaying a supplementary image at the telecommunications apparatus in addition to conventional connection messages." In other words, the claimed invention provides a method for transmitting pre-recorded images using telecom networks in which the supplementary image supplements rather than replaces convention connection messages.

Independent claim 18 has been amended to recite an apparatus for transmitting pre-recorded images using telecom networks, whereby when telecommunications apparatus is used by a caller to send a message to a recipient, "a supplementary image is visually transmitted from messaging equipment to the caller in addition to conventional connection messages, wherein the apparatus comprises: means for detecting a signal on a telecom system indicating that there is an incoming message transmission; and means for responding to this detection by conveying a supplementary image or images to the caller *in addition to conventional connection messages*." In other words, the claimed invention provides an apparatus for transmitting pre-recorded images using telecom networks in which the supplementary image supplements rather than replaces convention connection messages.

The invention provides an unexpected commercial advantage over the prior art in that users of telecoms networks are more likely to accept advertisements. As of the date of invention,

telecoms systems incorporating advertisements during ring-back periods have been unknown or extremely rare. The invention recognizes that user reluctance to advertising-based telecoms systems could be alleviated by combining conventional connection messages with a supplementary image. The method is less intrusive and imparts confidence.

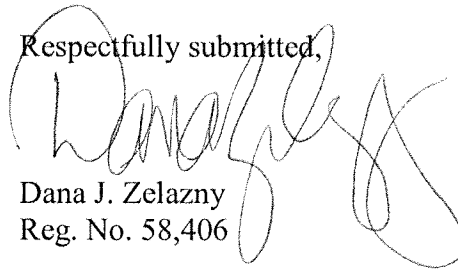
In contrast, Gregorek describes replacing conventional connection messages. See, for example, the discussion at Col. 1, lines 54 and 66, Col. 2, line 26 and Col. 5, lines 35-40. Therefore, Gregorek fails to teach or suggest all of the elements of independent claim 1, namely, displaying a supplementary image in addition to convention connection messages. Gregorek also fails to teach or suggest all of the elements of independent claim 18, namely, means for detecting a signal on a telecom system indicating that there is an incoming message transmission, and means for responding to this detection by conveying a supplementary image or images to the caller in addition to conventional connection messages. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-8 and 19-25 depend from independent claims 1 and 18, respectively, and are allowable over the prior art for at least the same reasons as discussed above. Claims 208 and 19-25 also include additional patentable subject matter. Reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION**

No fee is believed to be necessary for entry of this Amendment. However, if a fee is necessary, please charge deposit account 13-3080 for any such fee. The Examiner is invited to contact the undersigned with any questions or comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dana J. Zelazny', is written over the typed name and registration number.

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